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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/550,454	
	Filing Date	20 January 2006	
	First Named Inventor	Pfeiffer	
	Art Unit	1629	
	Examiner Name	Powers, Fiona	
Total Number of Pages in This Submission	3	Attorney Docket Number	PN/4-35291A/USN (02100.00024)

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavit/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks This Reply is being sent via facsimile to the USPTO at 571-273-8300.		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Montgomery, McCracken, Walker & Rhoads, LLP	
Signature	<i>Kristin Mazzany Nevins</i>	
Printed name	Kristin Mazzany Nevins	
Date	23 December 2008	Reg. No. 56,776

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature	<i>Kristin Mazzany Nevins</i>	
Typed or printed name	Kristin Mazzany Nevins	Date 12/23/08

This collection of information is required by 37 CFR 1.9. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 36 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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US Patent Appl. No. 10/565,454

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
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DEC 23 2008In re Application of:  
Pfeffer *et al.*Attorney Docket No:  
PN/4-33291A/USN (62106.00024)

Application No.: 10/565,454

Group Art Unit: 1626

Filed: 20 January 2008

Examiner: Powers, Fiona

Title: STABLE MODIFICATIONS OF TEGASEROD HYDROGEN MALEATE.

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In reply to the Office Action dated 28 November 2008, Applicant submits the following Election/Response.

In Response to the Restriction Requirement, Applicant provisionally elects (without traverse) to prosecute the subject matter of Group I, Identified as Claims 1-8 drawn to crystal modification A of tegaserod maleate and pharmaceutical compositions. Applicant, however, respectfully asserts that because crystal modification A is common to all claim groups, it would not present a burden to search all claims in the application.


It is not believed that extensions of time or fees are required beyond those that may otherwise be provided for in documents accompanying this paper. If additional extensions of time are necessary to prevent abandonment of this Application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefore are hereby authorized to be charged to our Deposit Account No. 50-2424.

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US Patent Appl. No. 10/565,454

Should the Examiner have any questions or comments regarding this response,  
she is asked to contact Applicant's undersigned representative at (215) 772-7655.

Respectfully submitted,  
Montgomery, McCracken, Walker & Rhoads, LLP

  
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Registration No. 56,775

DATE: December 23, 2008  
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